HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No.16006 of 1995

Between:

K. Obedullah and others … Petitioners

And

A.P.State Wakf Board represented by its

Secretary, Hyderabad and another.

… Respondents

:: ORDER::

Counsel for Petitioners: Sri K. Srinivas representing Sri M.V.S. Suresh Kumar

Counsel for Respondent No.1: Sri S.M.Subhani, Standing Counsel for A.P.State Wakf Board.

Counsel for Respondent No.2: None appeared.

March 29, 2006

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This is a petition for quashing notification dated
18-5-1994 issued by A.P.State Wakf Board vide which notification dated 2-5-1963 was amended and the property of which the petitioners claimed to be in possession were shown as wakf properties.

Learned counsel for the petitioners says that after filing of the writ petition, the State Government has constituted Tribunal under Section 83 (1) of the Wakf Act, 1995 (for short 'the 1995 Act') and, therefore, his clients may be given liberty to avail remedy by filing a suit under Section 6 of the 1995 Act. He further says that the Court may direct continuance of interim order dated 24-7-1995 for a further period of one month.

Learned counsel for A.P. State Wakf Board says that he does not have any objection if liberty is given to the petitioners to avail the alternative remedy in terms of Section 6 of the 1995 Act.

In view of the above, the writ petition is disposed of as withdrawn with liberty to the petitioners to file suit under Section 6 of the 1995 Act for determination of the dispute relating to the property in question.

While disposing of the writ petition in the manner indicated above, I direct that

interim order dated 24-7-1995 passed by this Court shall continue for a period of one month and, within that time, the petitioners may make an appropriate application before the Tribunal for grant of fresh stay.

G.S. SINGHVI, CJ

March 29, 2006

svs